

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF KENMORE ABBEY COMPANY FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN DEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on August 26, 1982 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated August 9, 1982 (hereinafter called the "Application"), filed by Walter K. Winchester and John Gallagher, III, on behalf of Kenmore Abbey Company for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing been given previously by publication on August 11, 1982 and August 18, 1982, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, James K. Flaherty, Joseph A. Walsh and William A. McDermott were present at the hearing.

B. The Project. The proposed development area is located at 488-496 Commonwealth Avenue and 10 Kenmore Street, Boston, Massachusetts. A full metes and bounds description can be found on page 2 of the Application.

The Project consists of the acquisition of the Project area and the rehabilitation of the building located on the Project area for use as a multi family elderly and handicapped housing project. The Project building will contain 199 dwelling units for the elderly and handicapped, 170 of which will contain 1 bedroom and 29 which will contain 2 bedrooms. Twenty units will be specifically designed to meet the needs of the handicapped. All units will be eligible for rental assistance payments under HUD's Section 8 Rental Assistance program with the exception of one one-bedroom unit which will be used by a resident superintendent. Approximately 12,000 gross square feet of commercial space will be provided on the first floor and in the basement of the building. The Project area will be landscaped at the rear of the building and the exterior of the building will be upgraded and maintained.

The appurtenant facilities will include community space, tenant lounges, laundry facilities and a security office. Attached to this Application as Exhibit 2 is a site plan for the Project Area. There is also incorporated into the Application in Exhibit 3 drawings showing the floor plans for the buildings and in Exhibit 16, outline specifications showing generally the character and quality of the construction to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a blighted, substandard and decadent area of decent, safe, and sanitary housing for the elderly and handicapped and commercial space.

The Project area is blighted, decadent and substandard, as those terms are defined in Section 1 of Chapter 121A, because the Project area and building are vacant and in a deteriorated condition. During the building's three years of vacancy, the facade of the building, and its interior and mechanical systems, have been damaged from fires and severe water penetration. Although the Kenmore Square area is beginning to be upgraded there are still many vacated, deteriorated structures contributing to the decadence of the Project area. Rehabilitation and occupancy of the Project building will greatly contribute to the growing effort to improve this area of the City of Boston.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under General Laws, Chapter 121A and Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted, decadent and substandard area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately \$11,233,260 which will be financed by the Applicant with construction and permanent financing made available by MHFA. This financing will cover approximately 90% of the total Project cost and the term of this permanent mortgage will be forty years. Although the Applicant has received a firm commitment from MHFA, alternative methods of financing may be considered at the time of commencement of the Project. At that time, the Applicant will consider permanent financing from the Government National Mortgage Association or financing through the Section 8-11(b) Program administered by HUD. Under the Section 8-11(b) program, tax exempt bonds would be sold by a public instrumentality which would in turn make a mortgage loan to the Applicant.

The balance of Project cost, that amount not met by the MHFA or alternate financing, will be borne by the 121A entity through the sale of limited partnership interests.

The following are all the persons, natural or corporate, who, prior to the completion of the Project, have or will have, directly or indirectly, any ownership interest in the Project: Kenmore Abbey Company, Kenmore Abbey Company's General Partners Walter K. Winchester and John R. Gallagher, III, Kenmore Abbey Company's limited partners, Massachusetts Housing Finance Agency or other construction or permanent lenders and the U.S. Department of Housing and Urban Development.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans of the structure to be rehabilitated within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the Area and furnish approximately 199 dwelling units for the elderly and handicapped all of which will be available for Section 8 housing assistance payments. The Project will thus provide badly needed housing for the elderly and handicapped of Boston who possess only low or moderate incomes. The Project will also provide space for use by the community and 12,000 square feet of commercial space. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that.

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area.
2. The Project will not adversely affect any archaeological or historical site, structure, or feature; rather it is expected that the Project will enhance the historic features of the area.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.
6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.

7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The Project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors.
11. The Project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such a manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.

Furthermore, if the rehabilitation involves any abrasive blasting, the contractor must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity. However, in compliance with the historic preservation guidelines of the Secretary of the Interior, no abrasive blasting of exterior surfaces shall be permitted.

The Applicant also shall comply with the provisions of the Certificate of Design Approval issued by the Back Bay West/Bay State Road Architectural Conservation District Commission on August 27, 1982, which is attached hereto, and made a part hereof, as Exhibit B, and with the provisions of the Section 106 agreement between the Department of Housing and Urban Development and the Massachusetts State Historic Preservation Officer, attached as hereto, and made a part hereof, as Exhibit C.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in the Application commencing at Page 6, are hereby adopted and imposed as Rules and Regulations (the terms of which, however, shall be subject to the terms and conditions of the Regulatory Agreement and the 6A Contract) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth at Page 6, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws, and does not require a declaration that any of the units of the Project constitute a separate building for purposes of General Laws, Chapter 138, relating to alcoholic beverages.

J. Zoning Code Deviations. Exhibit 10 to the Applicant lists the Zoning Code deviations requested for the reasons set forth in the Application and in the evidence presented at the hearing. The Authority finds that the said deviations, attached hereto and incorporated by reference as Exhibit A, are necessary for the carrying out of the total project and therefore may be and are granted without substantially derogating from the intent and purposes of the applicable laws, codes ordinances and regulations respectively.

K. Duration of Period of Tax Exemption. The Applicant seeks an increase in the basic fifteen (15) year statutory term to forty (40) years by the granting of a twenty-five (25) year extension for the Project's period of Tax Exemption pursuant to applicable provision's of Chapter 121A because the project consists of housing financed by federal programs to assist in the provision of rehabilitated housing to persons of low and moderate income. Such extension is hereby granted.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.

DEVIATIONS FROM THE BOSTON ZONING CODE

KENMORE ABBEY COMPANY
121A LIMITED PARTNERSHIP

H-4 District

Section 8-7 Uses Request permission to use 12,000 square feet of commercial space for the following Use Items:

- 34 Retail store
- 39 Professional office space
- 40 Real estate, insurance or other agency office
- 41 Bank, general offices
- 43 Barber shop, beauty shop, shoe repair shop, self-service laundry; pick-up and delivery station of laundry or dry-cleaner
- 44 Tailor shop, hand laundry, dry-cleaning shop

Section 17-1 Usable Open Space

Required: 9,950 square feet

Provided: 2,290.8 square feet

Section 23-1 Off-Street Parking

Required: 40 spaces

Provided: 18 spaces



August 27, 1982

Jordan P. Krasnow, Esquire
Gaston Snow & Ely Bartlett
One Federal Street
Boston, Massachusetts 02110

NOTICE OF DECISION
Application BSR #82.26
488-496 Commonwealth Avenue

(Back Bay West/ Bay State Road
Architectural Conservation District)

Boston Landmarks Commission

City Hall, Boston
Massachusetts 02201
(617) 722-4300
725-3850

City of Boston
Kevin H. White, Mayor

Members
Pauline Chase Harrell,
Chairwoman
Lawrence A. Bianchi
Lobby Blank
Thomas A. Brückus
Susan S. Davis
Thomas J. Hynes, Jr.
Martha L. Rothman
Sam Bass Warner
Henry A. Wood

Alternates
Virginia Aldrich
Stanford O. Anderson
John F. Cooke
Joan E. Goody
Rosalind E. Gorin
Imre Halasz
Roger P. Lang
Luix Overbea
Carl A. Zellner

Marcia Myers,
Executive Director

Dear Mr. Krasnow:

At a special meeting held in Boston City Hall on August 24, 1982, the Back Bay West/ Bay State Road District Commission reviewed and voted to approve your application for a Certificate of Design Approval for the proposed renovations to the Kenmore Hotel and the Wadsworth Hotel buildings. The specifics of this approval as defined at the meeting are as follows:

1. Windows: The French windows on the Kenmore facade are to be re-built/ restored in wood with interior storm windows, and new basement windows (wood sash in a 6-over-1 configuration with wood casings) are to be inserted along the facade and Kenmore St. elevation (drawing nos. A-13, 14). On the principal elevations of both buildings, the existing wood sash and casings are to be repaired and restored, and the configuration of the window panes is to remain unaltered. On the rear walls of buff-colored brick, including the courtyard walls, triple-glazed aluminum sash (anodized brown) will be installed within the existing wood casings. Muntin bars, to match the existing pane divisions, may be applied to the outside surface of the new glazing (in the top sash only).
2. Paint Colors: Physical evidence, possibly to include a lab test, will determine the color of the window sash and casings on both buildings. A site visit has tentatively established that the trim on the Kenmore should be a greyish-beige color with black sash, and, at the Wadsworth, a uniform brown color (for the window sash and trim and the wooden frame at the entrance). The color of the pressed metal cornice at the Wadsworth shall match the color of the cast stone lintels and sills. The final selection of paint colors will be reviewed with the staff architect and approved in writing.
3. Patios/ Courtyards: The concrete "bulkheads" shall be removed, and the three depressed courtyard areas shall be rebuilt. The retaining walls shall be restored along with new entrances and French doors and plantings (as in drawing no. A-1). All new paving materials for the patio areas are to be reviewed with the staff architect and approved in writing.
4. Cleaning: Only the cast stone cornice of the Kenmore shall be cleaned, using a mild solution and low water pressure. The cleaning procedures, and a test patch on the cast stone, shall be reviewed by the staff architect and approved in writing.

Jordan P. Krasnow, Esq.
 August 27, 1982
 Page 2

5. Paint Removal: The removal of the paint from the first two stories on the front of the Wadsworth is subject to the review of the staff architect to determine conclusively that the concentrations and application techniques will not damage the brick. In the event that the paint cannot be removed successfully, alternative solutions will be reviewed by the full commission.
6. Repointing and masonry repairs: The mortar to be used in the spot-pointing of the two buildings shall match the existing in color, composition, and raking. The cast stone to be used for the replacement elements, including lintels and portions of the cornices, beltcourses, and the rusticated facing (e.g., restored entrance and basement) shall be reviewed by the staff architect for color, composition, and texture. If further investigation determines that deep water penetration is occurring through the brick, a clear silicone-based sealant may be applied to the masonry.
7. Flagpoles: The two flagpoles on the Kenmore facade and the pole atop the building may be removed.
8. Ironwork: All of the ironwork is to be painted black. A detailed drawing with specifications for all of the replacement and new ironwork (as shown in drawings A-13, 14, 20) shall be submitted to the staff architect and approved in writing. The method of removing the existing white paint from the ironwork is also to be reviewed by the staff architect (drawing A-19).
9. Residential entrance: Restoration of this entryway (drawings A-14, 20) is approved. The color and design of the shaped canopy is to be reviewed by the staff architect and approved in writing. The handicap ramp (drawing A-20) is also approved with the understanding that any changes in its design are to be reviewed before the full commission.
10. Commercial entrance: The existing cast iron canopy shall be fully restored (as indicated in drawing A-20) with the understanding that the replacement doors will be of black matte aluminum, and the ironwork will be painted black. The existing lanterns and posts shall be removed and replaced with an alternative lighting system (preferably concealed) to be reviewed by the staff architect and approved in writing. Final details of the restoration of the canopy roof (following removal of the marquee and stucco coverings) are also to be reviewed by the staff architect and approved in writing.
11. Connecting bridges: The existing copper-clad bridge shall be fully restored, and the existing wood window sash shall remain intact and be repainted in the same cream color. The four new bridges (indicated in drawing A-11) are to be set back between 15 and 18 feet, and shall have fixed metal window assemblies in a dark color. The exterior cladding of the bridges shall be colored to resemble the window trim on the Wadsworth. Specifics on the exact design and placement of the connecting bridges shall be resolved with the staff architect and approved in writing.
12. Wadsworth entryway: The repair and restoration of the wood-framed entryway is approved with the understanding that the entry doors, set into a wood frame, will be recessed within an alcove (drawing A-20). The design and detailing of the sidepanels and the handrails shall be reviewed with the staff architect and approved in writing.

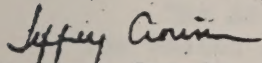
Jordan P. Krasnow, Esq.
August 27, 1982
Page 3

13. Elevator penthouse and roof additions: To the extent that any portion of these elements is visible from a public way, the details of material, color, and silhouette will be reviewed by the staff architect and approved in writing.
14. Corner storefront: The rounded aluminum-clad storefront, at the corner of Kenmore St., may be removed and the facade restored (drawing A-13).
15. Copper detailing: Where necessary, replacement of portions of the existing copper flashing, parapet, and cresting will be in copper, treated to match the existing.
16. Signage: If new exterior signage is to be introduced, a separate application shall be presented for review before the full commission.
17. Additional changes: All additional modifications to these plans affecting the exterior elevations (open to public view) shall be presented to the district commission for its review and approval before fabrication or installation.

The approval of the commission further stipulated that all the amendments and changes to the set of drawings, dated August 16, 1982, that were reviewed at the hearing shall be incorporated into revised drawings, to be presented to the commission.

Please contact Mr. John Harrell (725-3850), the staff architect, to arrange for the follow-up review of these details. Also, bring your application for a building permit to the commission office to have it stamped with a Certificate of Design Approval, and thank you for your cooperation with the district commission.

Respectfully,


Jeffrey Cronin
Secretary

cc: Bob Verrier, Boston Architectural Team
John Harrell
Members, Back Bay West/ Bay State Road District Commission

CERTIFIED MAIL



U.S. Department of Housing and Urban Development
Boston Area Office, Region I
Bulfinch Building, 15 New Chardon Street
Boston, Massachusetts 02114

SEP 14 1982

Don L. Klima
Chief, Eastern Division of Project Review
Advisory Council on Historic Preservation
1522 K Street, NW
Washington, D.C. 20005

Dear Mr. Klima:

SUBJECT: Kenmore Hall Apartments
Boston, MA

In accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, and the Procedures for the Protection of Historic and Cultural Properties, the Boston Area Office of HUD having consulted with the Massachusetts State Historic Preservation Officer, requests your comments and concurrence on the above proposal.

The proposal is to recycle the former Kenmore/Wadsworth Hotel into 199 units of elderly housing. The Hotels are part of the Back Bay West/ Bay State Road Historic District in Boston, Massachusetts.

Mortgage insurance to finance the proposal will be through the Massachusetts Housing and Finance Agency, with rental subsidies under HUD's Section 8 program.

The Architect and Developer of the above proposal has also met with the Boston Landmarks Commission and certain conditions of approval were specified as per attached letter. Several of these conditions have already been incorporated into the design of the proposal.

It was mutually concluded between HUD and the SHPO, after review of the plans and specifications, that the rehabilitation of this proposal would have "no adverse effect" upon the structure or the Historic District.

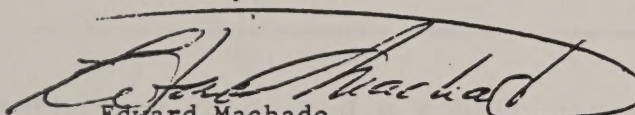
To assist you in your review the following information is being submitted:

1. Set of plans with elevations
2. Photographs of the hotel
3. Letter from Boston Landmarks Commission dated 9/27/82
4. Letter from Architect to HUD dated 9/2/82

If you have any questions regarding the architectural design of the rehabilitation, please feel free to contact the Project Architect, Mr. Philip Hresko of Boston Architectural Team, Inc. at (617) 423-2030.

Thank you for your cooperation and expeditious approval of this project.

Sincerely,



Edward Machado

Environmental Officer, 1.1SS

Attachments

Concur:

Valerie A. Calmiche 9/14/57

Massachusetts State Historic Preservation Office

4233

M E M O R A N D U M

September 16, 1982

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: CHAPTER 121A APPLICATION OF KENMORE ABBEY COMPANY

On August 26, 1982, the Authority conducted a public hearing to consider the above-captioned 121A Application.

The Project consists of the rehabilitation, operation and maintenance by the Applicant of 199 apartment units of housing for low or moderate income elderly and handicapped persons at 488-496 Commonwealth Avenue and 10 Kenmore Street in the Kenmore Square section of Boston. A firm commitment for MHFA construction and permanent financing has now been received by the developer and has been filed with the Authority.

Based on the examination of the Application by the Authority staff and on the evidence presented to the Authority at the hearing, it is submitted that there is sufficient evidence in support of the Project to make those findings and determinations necessary to proceed with the approval of the Project.

An appropriate vote follows:

VOTED: That the document presented at this meeting, entitled, "Report and Decision on the Application of Kenmore Abbey Company for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be undertaken and carried out by a limited partnership organized pursuant to Massachusetts General Laws Chapter 109 and approval to act as an Urban Redevelopment Limited Partnership under said Chapter 121A" be and hereby is approved and adopted.